

**CIVIL NO. 3:05-CV-401-W**

**Defendant.**

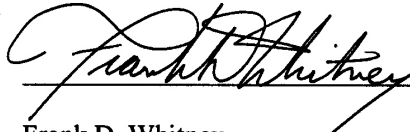
Insofar as the *pro se* Plaintiff’s “Notice of Appeal” is construed as a motion directed to this Court for certification of an interlocutory appeal, such motion is DENIED. Furthermore, pending disposition of the interlocutory appeal by the United States Court of Appeals for the Fourth Circuit,

the Court exercises its discretion, as provided in 28 U.S.C. § 1292(b), not to stay progress of the case pending appeal.

Accordingly, defense counsel is not relieved of her obligation to comply with the Court's 7 November 2006 Show Cause Order. Furthermore, where it appears to the Court that the parties have failed to comply with Local Rule 16.1 regarding the setting of a case management plan, the parties are hereby ORDERED to confer pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1 and jointly file a certification of initial attorney's conference and a proposed discovery plan on or before 22 December 2006.

IT IS SO ORDERED.

Signed: November 16, 2006

  
\_\_\_\_\_  
Frank D. Whitney  
United States District Judge

